

AN AMENDMENT

Councilmember Anne Fauver 

Amend Ordinance No. 03-O-1702 by adding a new section (6) to read:

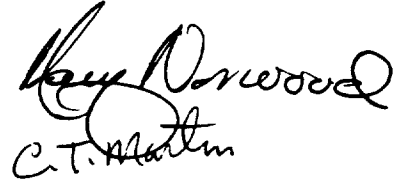
Section 6: That Section 10-209(b) which reads:

Sec. 10-209. Hours of operation.

- (b) Packaged wine or malt beverages. Licensees in wine or malt beverages by the package shall be allowed to engage in the sale of these beverages for 24 hours a day, on weekdays. ~~It shall be unlawful to sell any wine or malt beverages by the package between the hours of 12:00 midnight on Saturday night until the hour of 12:00 midnight on Sunday night, at any time.~~ Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2.

is hereby amended to read:

- (b) Packaged wine or malt beverages. Licensees in wine or malt beverages by the package shall be allowed to engage in the sale of these beverages between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday. Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2.

AN ORDINANCE**BY: COUNCILMEMBERS C. T. MARTIN AND MARY NORWOOD**

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES CHAPTER 10, ARTICLE II, SECTION 10-209 SO AS TO ESTABLISH A NEW CLOSING TIME FOR THOSE ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; AND OTHER PURPOSES.

WHEREAS, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards; and

WHEREAS, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof and for preserving the health, peace, order, and good government of the city; and

WHEREAS, the City's current ordinances pertaining to the sale of alcoholic beverages authorizes establishments licensed to sale alcohol for consumption on the premises to sell alcoholic beverages until 4:00 a.m. the following day on weekdays, and on Saturday until 2:55 a.m. Sunday; and

WHEREAS, these current closing times for establishments located near residential neighborhoods are a concern to the city in their responsibility to safeguard the health, welfare and safety of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:

Section 1:

That section 10-209(c), which currently states:

Sale of wine or malt beverages for on-premises consumption. Except as otherwise provided by O.C.G.A § 3-3-7, all licensees in wine or malt beverages for consumption on the premises shall be authorized to engage in the sale of those wines or beverages on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and 12:00 midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special

entertainment districts (as defined in Code section 10-211). Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell wine for on-premises consumption on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2. Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to 4:00 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). This section shall apply to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

Shall be amended as follows:

Sale of wine or malt beverages for on-premises consumption. Except as otherwise provided by O.C.G.A. § 3-3-7 **and those licensees located within a special entertainment district as defined by Code Section 10-211**, all other licensees in wine or malt beverages for consumption on the premises shall be authorized to engage in the sale of those wines or beverages on Monday through Friday between the hours of 9:00 a.m. of one day and **2:00 a.m.** of the following day and on Saturday from 9:00 a.m. to **2:00 a.m.** on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m.

Sunday, December 31st, to **2:00 a.m.** Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to **2:00 a.m.** Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular prior Sunday, to **2:00 a.m.** Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:00 a.m.** Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). This section shall apply to private clubs, as defined by Code Section 10-1, except as provided by O.C.G.A. § 3-7-2.

Section 2

That section 10-209(d), which currently states:

Sale of distilled spirits by the drink or for on-premises consumption. Except as otherwise provided by O.C.G.A. § 3-3-7, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises shall be authorized to engage in the sale of those distilled spirits only on Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and 12:00 midnight only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of

that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; in restaurants (as defined in Code section 10-1); and in special entertainment districts (as defined in Code section 10-211). This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.

Shall be amended as follows:

Sale of distilled spirits by the drink or for on-premises consumption. Except as otherwise provided by O.C.G.A. § 3-3-7, **and those licensees located within a special entertainment district as defined by Code Section 10-211**, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises shall be authorized to engage in the sale of those distilled spirits only on Monday through Friday between the hours of 9:00 a.m. of one day and **2:00 a.m.** of the following day and on Saturday from 9:00 a.m. to **2:00 a.m.** on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Distilled spirits may also be served on Sunday in conjunction with the issuance of both an outdoor festival permit pursuant to Code section 138-204 and a special event permit pursuant to Code section 10-8. This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2. Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to **2:00 a.m.** Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to **2:00 a.m.** Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:00 a.m.** Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to **2:00 a.m.** Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). This section shall apply to private clubs, as defined by Code section 10-1, except as provided by O.C.G.A. § 3-7-2.

Section 3

That section 10-209(e), which currently states:

Time limit for clearing patrons from premises. All licensed premises described in subsections (c) and (d) of this section shall be closed to the public and the premises cleared of patrons within 30 minutes after the time set by this section for discontinuance of the sale of alcoholic beverages on the premises.

Shall be amended as follows:

- (g) *Time limit for clearing patrons from premises.* All licensed premises described in subsections (c), (d), **(e) and (f)** of this section shall be closed to the public at the time set by this section for the discontinuance of the sale of alcohol and the premises cleared of patrons within **60** minutes after the time set by this section for discontinuance of the sale of alcoholic beverages on the premises.

Section 4

That Section 10-209(e) be amended by deleting current section and inserting in lieu of the following:

- (e) *Sale of wine or malt beverages for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A § 3-3-7, all licensees in wine or malt beverages for consumption on the premises within a special entertainment district as defined by Code Section 10-211 shall be authorized to engage in the sale of those wines or beverages in the following manner:

On Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday. Wine and/or malt beverages may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Notwithstanding this subsection, a licensed farm winery tasting room located within a special entertainment district may sell wine for on-premises consumption on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2. Wine and/or malt beverages may also be served on Sunday in conjunction with the issuance of a special event permit pursuant to Code section 10-8. Anytime December 31st falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell beer and wine by the drink for consumption on the premises may sell such beer and wine between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular

prior Sunday, to 4:00 a.m. Monday, on the date of that particular holiday, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, beer and wine may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

Section 5

That Section 10-209 be amended by adding the following:

- (f) *Sale of distilled spirits by the drink or for on-premises consumption within a special entertainment district.* Except as otherwise provided by O.C.G.A § 3-3-7, all licensees for the sale of distilled spirits by the drink or for the operation of a bottle house on the premises within a special entertainment district as defined by Code Section 10-211 shall be authorized to engage in the sale of those distilled spirits in the following manner:

On Monday through Friday between the hours of 9:00 a.m. of one day and 4:00 a.m. of the following day and on Saturday from 9:00 a.m. to 2:55 a.m. on Sunday. Distilled spirits may be sold on Sundays between the hours of 12:30 p.m. and **2:00 a.m.** only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Distilled spirits may also be served on Sunday in conjunction with the issuance of a special event permit pursuant to Code section 10-8. Anytime December 31st falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. Sunday, December 31st, to 4:00 a.m. Monday, January 1st, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime December 31st falls on a Sunday, all other establishments licensed to sell distilled spirits by the drink for consumption on the premises may sell such distilled spirits between the hours on 12:01 a.m. Monday, January 1st, to 4:00 a.m. Monday, January 1st. Anytime St. Patrick's Day, Memorial Day, Independence Day and Labor Day fall on a Monday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1). Anytime Independence Day falls on a Sunday, distilled spirits may be sold by the drink for consumption on the premises between the hours of 12:30 p.m. of that particular Sunday, to 4:00 a.m. Monday, the next day, only in public stadiums, coliseums and auditoriums with a seating capacity in excess of 3,500 persons; and in restaurants (as defined in Code section 10-1).

Section 6

All ordinances or parts of ordinances in conflict herewith are hereby repealed.